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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,037

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Michael Bayer

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EXAMINER

COZART, JERMIE E

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

03/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,037	Applicant(s) BAYER ET AL.	
	Examiner Jermie E. Cozart	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: coating 34 as mentioned in paragraphs [0037], [0038], and [0043]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 25-28 are improper dependent claims that cross different statutory classes of invention. Appropriate correction is required.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mayzel (US 6,896,970 B2). *See column 3, lines 1-11, and figure 2 for further clarification.*

Regarding **claims 25 and 27**, Mayzel discloses a steel sheet/substrate (12) provided with a first coating (13) and a second anti-corrosion coating (18).

Note that claims 25 and 27 appear to be product by process claims, and as such only the structural limitations have been given patentable weight as the end result of the above claims is product and not a method of forming the product.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Admitted Prior Art (AAPA) in view of Lips et al. (US 6,524,725 B1).

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Regarding **claim 10**, AAPA at pages 1-2 discloses the production of a press-hardened component from a semi finished product made of unhardened, hot-workable steel sheet and precoated with a first coating, comprising the following method steps: forming a component blank from the semi finished product by cold-forming; trimming the component blank at a margin to a marginal contour approximately corresponding to the component to be produced; heating and press-hardening the trimmed component blank in a hot-forming tool.

Regarding **claim 11**, AAPA discloses the press-hardened component being a vehicle body component.

Regarding **claim 12**, AAPA discloses the cold forming including drawing.

Regarding **claim 18**, AAPA at pages 1-2 discloses the production of a press-hardened component from a semi finished product made of unhardened, hot-workable steel sheet and precoated with a first coating, comprising the following method steps: heating and press-hardening the semi finished product in a hot-forming tool so as to define a component blank; and trimming the component blank at a margin to a marginal contour corresponding to the component to be produced.

Regarding **claim 19**, AAPA discloses the press hardened component being a vehicle body component.

Regarding **claims 26 and 28**, AAPA discloses the first coating is aluminum (AlSi).

AAPA, however, does not disclose the following: covering the press-hardened component blank with a second, anticorrosion coating; the second coating being applied

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to the press-hardened component blank by a hot galvanizing process; the second coating being applied to the press-hardened component blank by a thermal diffusion process; the second coating being deposited on both the first coating and uncoated regions of the component blank uncoated by the first coating; freeing the coated component blank coated by the second coating of residues of the covering step after the covering step; tempering the coated component blank after the covering step; or a press-hardened component comprising the press-hardened component blank and the second, anticorrosion coating, wherein the second, anticorrosion coating includes zinc.

Lips discloses covering a steel component blank with a second, anti corrosion coating (i.e. zinc; col. 3, lines 31-39) by a hot galvanizing process (col. 3, lines 45-46), and the second coating being deposited on both the first coating (i.e. zinc) and inherently upon uncoated regions of the component blank uncoated by the first coating. Lips also discloses heat treating (col. 4, lines 32-40) the anti corrosion coating in a temperature range of 700 to 900 degrees Celsius which would encompass tempering the coated component blank after the covering step. Lips also discloses thermal spraying (which is essentially equivalent to thermal diffusion process when applying a coating) in order to apply the zinc coating to the component blank. Lips discloses the second, anti corrosion coating being zinc, in order to provide a sufficiently corrosion protected layer. *See column 3, lines 31-65 and column 4, lines 30-31 for further clarification.*

Therefore, it would have been to one having ordinary skill in the art at the time of invention to cover the press-hardened component blank of AAPA with a second, anticorrosion coating wherein the second coating is applied to the press-hardened

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component blank by a hot galvanizing process or a thermal diffusion process, and wherein the second coating is deposited on both the first coating and uncoated regions of the component blank uncoated by the first coating, to temper the coated component blank of AAPA after the covering step, and to provide the press-hardened component blank of AAPA with a second, anticorrosion coating including zinc, in light of the teachings of Lips, in order to provide a sufficiently corrosion protected surface for the substrate.

Regarding **claims 16 and 23**, it is conventional and well to free a coated component blank coated by the second coating of residues of the covering step after the covering step.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to free the coated component blank of AAPA/Lips of residues so as to provide a clean and contaminant free surface for subsequent processing.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference listed on the attached PTO-892 is cited to show corrosion protection for metal substrates.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie E. Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

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10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jermie E Cozart/
Primary Examiner, Art Unit 3726

March 15, 2010